

REMARKS

Interview

Applicants would like to thank Examiner Handy for the interview held on July 31, 2008. During the interview, the Examiner proposed amendments to the claims for overcoming the rejections. Applicants have considered the proposed amendments and have incorporated some of the proposed amendments into the claims.

Status of the Claims

Claims 1, 3-8, 10-15, 20, and 23-50 are currently pending and under examination. Claims 2, 9, 21, and 22 have been canceled without prejudice or disclaimer of the subject matter claimed therein. New claims 47-50, directed to the same invention as claim 1, have been added.

Amendments to the Specification

The specification has been amended to replace “μ” (micron) with “μm” (micrometer) which are the same units of measurements. Accordingly, the amendments to the specification do not introduce prohibited new matter.

Amendments to the Claims

Claims 1, 5-8, 20, 24-26, and 31 have been amended, and new claims 47-50 have been added. Support for these amendments and for the new claims can be found throughout the specification. Representative support is summarized below.

Claims 1 and 20 have been amended to include the feature that the “container has an open top and a closed bottom”. Representative support for this amendment can be found in figures 1 and 3 as originally filed.

Claims 1, 5, and 20 have also been amended to remove features that are not necessary for distinguishing the claimed invention over the cited art.

Claims 6-8, 20, 24-26, and 31 have been amended to replace “μ” (micron) with “μm” (micrometer) for consistency with the amendments to the specification. As discussed above, these are the same units of measurements.

Representative support for new claim 47 can be found in claim 5 as originally filed.

Representative support for new claims 48 and 49 and the amendment to claim 1 can be found in figures 1 and 3 as originally filed and on pages 14-17 of the specification (see for example page 14, lines 5-15; and page 15, lines 6-15).

Representative support for new claim 50 can be found in claim 13 as originally filed.

The amendments to the claims and the addition of new claims do not introduce prohibited new matter.

Rejection of the Claims Under 35 U.S.C. § 103(a)

A. Claims 1, 3-8, 10, 11, 14, 15, 20, 23-27, 29, 30, 33-38, 40, 41, and 43-46 are rejected 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,824,939 (Simpson) in view of U.S. Patent 6,320,025 (Slavazza).

As acknowledged on page 3 (paragraph 3) of the Office Action, dated March 5, 2008, the primary reference, Simpson, neither discloses nor suggests the claimed invention because Simpson does not disclose or suggests all the components of the claimed apparatus. The secondary reference, Slavazza, does not overcome the deficiencies of Simpson because Slavazza also does not disclose or suggests all the components of the claimed apparatus.

The primary and the secondary references do not disclose an apparatus comprising a container with an open top and a closed bottom. Moreover, Simpson discloses an apparatus for leaching extractable material from a particulate solid material, and Slavazza discloses a device for synthesizing peptides. These references are directed to nonanalogous subject matter. Accordingly, there is no reason to combine these references and make the necessary modifications to arrive at the claimed invention with a reasonable expectation of success. Therefore, the cited references do not render the claimed invention obvious.

B. Claims 31, 32, and 42 are rejected 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,824,939 (Simpson) in view of U.S. Patent 6,320,025 (Slavazza) and further in view of U.S. Patent 5,275,954 (Wolfenbarger).

The deficiencies of Simpson and Slavazza are discussed above. Wolfenbarger does not overcome the deficiencies of Simpson or Slavazza because Wolfenbarger does not disclose an apparatus having a container with an open top and a closed bottom. Moreover, the cited references provide no reason for combining the cited references and make the necessary

modifications to arrive at the claimed invention with a reasonable expectation of success.

Therefore, the cited references do not render the claimed invention obvious.

C. Claims 28 and 29 are rejected 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,824,939 (Simpson) in view of U.S. Patent 6,320,025 (Slavazza) and further in view of U.S. Patent 6,613,278 (Mills).

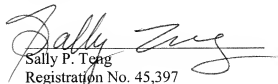
The deficiencies of Simpson and Slavazza are discussed above. Mills does not overcome the deficiencies of Simpson or Slavazza because Mills does not disclose an apparatus having a container with an open top and a closed bottom. Moreover, the cited references provide no reason for combining the cited references and make the necessary modifications to arrive at the claimed invention with a reasonable expectation of success. Therefore, the cited references do not render the claimed invention obvious.

Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
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